

OVERSIGHT AND ADMINISTRATIVE RESTRUCTURING ORDINANCE
Hoopa Valley Indian Reservation
Hoopa, California

Title 42

Hoopa Valley Tribal Code

ORDINANCE NO: 1-96

DATE APPROVED: February 1, 1996, as amended July 22, 1999

SUBJECT: Oversight and Administrative Restructuring

WHEREAS: the Hoopa Valley Tribe adopted a Constitution and Bylaws June 20, 1972, approved by the Commissioner of Indian Affairs August 18, 1972, and ratified and confirmed by Congress, 25 USC § 1300i-7, Pub.L. 100-580 § 8 [1988];

WHEREAS: Article V of the Hoopa Valley Tribal Constitution establishes a Hoopa Valley Tribal Council as the governing body of the Tribe;

WHEREAS: Article IX of the Hoopa Valley Tribal Constitution grants to the Tribal Council the power and the duty: to administer tribal property [Section 1(a)]; to safeguard and promote the peace, safety, morals and general welfare of enrolled members of the Hoopa Valley Tribe [Section 1(l)]; to create subordinate bodies for operation of economic enterprises to benefit the Tribe [Section 1(p)]; to expend Hoopa Valley Tribal funds within the control of the Tribe [Section 1(c)]; and to establish a Housing Authority [Section 1(o)];

WHEREAS: the Hoopa Valley Tribe, through its governing body, retains the inherent sovereign authority to regulate the internal affairs of Tribal government;

WHEREAS: the Hoopa Valley Tribe must operate efficiently and be responsive to the paramount concerns of Tribal members affected by the operation of Hoopa Valley Development Enterprise, Hoopa Health Association, Public Utilities Department, Hoopa Valley Education Association, Hoopa Telecommunications, and Hoopa Valley Indian Housing Authority;

WHEREAS: the continuing instability of the Federal government and associated fiscal consequences and the compelling

importance of restructuring tribal government to assure speedy, accurate oversight and responsive administration require a strategic restructuring of Tribal government;

WHEREAS: pursuant to the process set forth in the Legislative Procedures Act, the Tribal Council concludes that it is now appropriate to enact said ordinance.

42.1 Purpose. The purpose of this ordinance is to ensure effective, efficient, accurate oversight and responsive administration of the Hoopa Valley Tribe and its entities.

42.2 Definitions. For purposes of this Ordinance, the following terms shall be defined as follow:

- A) "Tribal Council" shall mean the Hoopa Valley Tribal Council, the governing body of the Hoopa Valley Tribe pursuant to the Constitution and Bylaws of the Hoopa Valley Tribe;
- B) "Tribe" shall mean the Hoopa Valley Tribe, a federally recognized Indian tribe;
- C) "Chairman" shall mean the Chairman of the Hoopa Valley Tribe;
- D) "Charter" shall mean the method by which the Hoopa Valley Tribal Council creates, or otherwise forms, regulates and authorizes an entity of the Hoopa Valley Tribe to operate or transact business or otherwise engage in various enumerated acts.

42.3 Administration by Chairman. The chief administrative officer of each entity created by the Tribal Council shall provide a quarterly report directly to and be directly administered and overseen by the Tribal Council, by and through its Chairman.

42.4 Tribal Council shall not appoint itself to any previously revoked positions. The Tribal Council shall not be appointed to serve as the trustees, board members, commissioners and committee members the seats of whom have been previously abolished hereby.

42.5 Chairman's Report. The Chairman of the Tribal Council shall from time to time report to the Tribal Council respecting the performance of duties set out herein.

42.6 Effective Date. This Ordinance shall take effect as of close of business, May 6, 1999.

- 42.7 Establishment of Boards, Committees or Commissions. Nothing herein shall abridge the authority of the Tribal Council to establish or otherwise re-establish or abolish or disestablish any board, committee or commission as deemed necessary by the Tribal Council in the best interests of the Hoopa Valley Tribe.
- 42.8 Ratification of Boards, Committees or Commissions. The Tribal Council hereby ratifies, approves and adopts all of the Boards, Committees and/or Commissions created by the Tribal Council after February 1, 1996 including the K'ima:w Medical Center, and the Hoopa Valley Public Utilities District, among others.
- 42.8.1 No Property Interest In Appointment. No trustee, board member, committee member or commissioner shall have a property interest in any position appointed by the Tribal Council and may be removed at any time in accordance with the applicable charter, bylaws or other applicable document, if any.
- 42.8.2 Except to the extent provided in the governing charter, bylaws or other governing document, the Personnel Policies and Procedures of the Hoopa Valley Tribal Council shall apply to all Tribal entities.
- 42.9 Charters. Nothing herein shall abridge the authority of the Tribal Council to charter or otherwise re-charter or revoke a charter of any entity of the Hoopa Valley Tribe in the best interests of the Hoopa Valley Tribe.
- 42.10 Ratification of Charters. The Tribal Council hereby ratifies, approves and adopts all charters of tribal entities chartered by the Tribal Council after February 1, 1996, including Hoopa Forest Industries, K'ima:w Medical Center, and Hoopa Valley Public Utilities District, among others. All charters approved and adopted before February 1, 1996 are void and of no effect.
- 42.11 Sovereign Immunity. Nothing herein shall waive the sovereign immunity of the Hoopa Valley Tribe, Hoopa Valley Tribal Council, its officials or employees from unconsented suit in any federal, state or tribal court.

C E R T I F I C A T I O N

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council, do hereby certify that the Hoopa Valley Tribal Council is composed of eight (8) members of which six (6) were participating

at a regular meeting thereof on July 22, 1999, constituting a quorum by thereof; duly called and noticed and adopted by a vote of five (5) in favor, zero (0) opposed and zero (0) abstaining, and that said Ordinance has not been rescinded or amended or modified in any way.

Dated this 22nd day of July, 1999.

Duane Sherman, Sr., Chairman
Hoopa Valley Tribal Council

Attest: _____
Darcy Baldy, Executive Secretary
Hoopa Valley Tribal Council